

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 29689 of 2004(H)

PETITIONER:

**A. UMMER, FULL TIME ARABIC TEACHER
(RETIRED), (A.L.P. SCHOOL, RISHINARDHAMANGALAM,
ALATHUR), RESIDING AT KATTAKALAM HOUSE,
PANACKAL PARAMBU, ALATHUR P.O.,
PALAKKAD-678 541.**

**BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SMT.M.R.VALSA
SRI.SREEKANTH.K.R
SMT.G.GEETHISHA**

RESPONDENTS:

- 1. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
ALATHUR, PALAKKAD DISTRICT.**

BY GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C) NO.29689/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CONSEQUENTIAL ORDER PASSED BY THE 3RD RESPONDENT DT. 14.12.001.

EXT.P2:- COPY OF THE CONSEQUENTIAL ORDER PASSE BY THE 3RD RESPONDENT REVIEWING THE EARLIER ORDER AND CANCELING THE SAME DT. 24.6.02.

EXT.P3:- COPY OF THE CIRCULAR ISSUED BY THE DEPUTY DIRECTOR OF EDUCATION , MALAPPURAM DT. 19.3.99.

EXT.P4:- COPY OF THE REPRESENTATION PREFERRED BY THE PETITIONER TO THE 1ST RESPONDENT DT. NIL.

EXT.P5:- COPY OF THE JUDGMENT IN WP(C) NO.20241/03 ON THE FILE OF THIS HONOURABLE COURT DT. 27.6.03.

EXT.P6:- COPY OF THE ORDER NO.G.O.RT NO.3763/04/G/EDN. DT. 24.8.04.

EXT.P7:- COPY OF THE ORDER DT. 6.10.00 .

EXT.P8:- COPY OF THE ORDER DT. 21.4.01.

/TRUE COPY/

P.S. TO JUDGE

tss

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.29689 OF 2004-H

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Dated this the 17th day of July, 2007.

JUDGMENT

By Ext.P1, junior-senior refixation was ordered by treating the petitioner, an Arabic teacher qua another teacher, who was not a language teacher. That was rectified as per Ext.P2 since the Deputy Director of Education came to such a conclusion on the pay revision checking report. The learned counsel for the petitioner relied on Ext.P3 to say that by that circular dated 19-3-1999 there was a clarification that Assistant Teachers and Junior Language Teachers can be considered as included in the same category for fixation of pay. But, as rightly pointed out by the learned Government Pleader, the circular dated 17-5-2002 referred to and relied on in paragraph 5 of the

impugned Ext.P6 categorically states that such equalization cannot be granted and that all fixations granted contrary to the same have to be reviewed.

In the light of the afore-said reason, the impugned decision cannot be found fault with. The writ petition fails. The same is accordingly dismissed. No costs.

Sd/-
THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-